

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION**

KANSAS CITY CEMENT MASONS	)	
PENSION FUND,	)	
	)	
CEMENT MASONS AND PLASTERS	)	
LOCAL 518 HEALTH CARE FUND,	)	
	)	
CEMENT MASONS AND PLASTERS	)	Cause No. 4:17-cv-00547-BCW
LOCAL 518 VACATION FUND,	)	
	)	
CEMENT MASONS APPRENTICESHIP	)	
AND TRAINING FUND,	)	
	)	
DAVID KIRKPATRICK,	)	
	)	
DR. RICHARD BRUCE,	)	
	)	
v.	)	
	)	
CONCRETE STRATEGIES, LLC,	)	
	)	
Defendant.	)	

**DEFENDANT'S ANSWER TO PLAINTIFFS' COMPLAINT**

COME NOW Defendant Concrete Strategies, LLC, by and through its undersigned counsel, and for its Answer in the above-captioned cause of action, states as follows:

**COUNT I**

1. This paragraph of Plaintiffs' Complaint calls for a legal conclusion to which no response is required. To the extent that a response is deemed to be required, Defendant denies each and every allegation contained therein.

2. This paragraph of Plaintiffs' Complaint calls for a legal conclusion to which no response is required. To the extent that a response is deemed to be required, Defendant denies each and every allegation contained therein.

3. Defendant is without information sufficient to form a belief as to the truth of the allegations contained in this paragraph of Plaintiffs' Complaint, and therefore denies same.

4. This paragraph of Plaintiffs' Complaint calls for a legal conclusion to which no response is required. To the extent that a response is deemed to be required, Defendant denies each and every allegation contained therein.

5. This paragraph of Plaintiffs' Complaint calls for a legal conclusion to which no response is required. To the extent that a response is deemed to be required, Defendant denies each and every allegation contained therein.

6. Defendant admits that it is a Missouri limited liability company that does business in the States of Missouri and Kansas. The remainder of this paragraph of Plaintiffs' Complaint, including subparagraphs (a) – (b) thereof, calls for a legal conclusion to which no response is required. To the extent that a response is deemed to be required, Defendant denies each and every remaining allegation contained therein.

7. This paragraph of Plaintiffs' Complaint calls for a legal conclusion to which no response is required. To the extent that a response is deemed to be required, Defendant denies each and every allegation contained therein.

8. This paragraph of Plaintiffs' Complaint calls for a legal conclusion to which no response is required. To the extent that a response is deemed to be required, Defendant denies each and every allegation contained therein.

9. This paragraph of Plaintiffs' Complaint calls for a legal conclusion to which no response is required. To the extent that a response is deemed to be required, Defendant denies each and every allegation contained therein.

10. Defendant denies each and every allegation contained in this paragraph of Plaintiffs' Complaint.

11. This paragraph of Plaintiffs' Complaint calls for a legal conclusion to which no response is required. To the extent that a response is deemed to be required, Defendant denies each and every allegation contained therein.

12. This paragraph of Plaintiffs' Complaint calls for a legal conclusion to which no response is required. To the extent that a response is deemed to be required, Defendant denies each and every allegation contained therein.

13. Defendant denies each and every allegation contained in this paragraph of Plaintiffs' Complaint.

14. Defendant denies each and every allegation contained in this paragraph of Plaintiffs' Complaint.

15. This paragraph of Plaintiffs' Complaint calls for a legal conclusion to which no response is required. To the extent that a response is deemed to be required, Defendant denies each and every allegation contained therein.

16. This paragraph of Plaintiffs' Complaint calls for a legal conclusion to which no response is required. To the extent that a response is deemed to be required, Defendant denies each and every allegation contained therein.

17. This paragraph of Plaintiffs' Complaint calls for a legal conclusion to which no response is required. To the extent that a response is deemed to be required, Defendant denies each and every allegation contained therein.

18. This paragraph of Plaintiffs' Complaint calls for a legal conclusion to which no response is required. To the extent that a response is deemed to be required, Defendant denies each and every allegation contained therein.

19. This paragraph of Plaintiffs' Complaint calls for a legal conclusion to which no response is required. To the extent that a response is deemed to be required, Defendant denies each and every allegation contained therein.

Defendant also denies that Plaintiffs are entitled to any of the relief requested in the WHEREFORE clause of Count I of their Complaint, including sub-paragraphs A – L thereof.

#### COUNT II

1. This paragraph of Plaintiffs' Complaint calls for a legal conclusion to which no response is required. To the extent that a response is deemed to be required, Defendant denies each and every allegation contained therein.

2. This paragraph of Plaintiffs' Complaint calls for a legal conclusion to which no response is required. To the extent that a response is deemed to be required, Defendant denies each and every allegation contained therein.

3. Defendant denies each and every allegation contained in this paragraph of Plaintiffs' Complaint.

4. Defendant incorporates by reference its responses to paragraphs 1, 4, 5, 6, 7, 8, 9, 10, 11, 12, 15, 16, 17, 18, and 19 of Count I of Plaintiffs' Complaint as if set forth fully herein.

Defendant also denies that Plaintiffs are entitled to any of the relief requested in the WHEREFORE clause of Count II of their Complaint, including sub-paragraphs A – K thereof.

#### COUNT III

1. This paragraph of Plaintiffs' Complaint calls for a legal conclusion to which no response is required. To the extent that a response is deemed to be required, Defendant denies each and every allegation contained therein.

2. This paragraph of Plaintiffs' Complaint calls for a legal conclusion to which no response is required. To the extent that a response is deemed to be required, Defendant denies each and every allegation contained therein.

3. Defendant denies each and every allegation contained in this paragraph of Plaintiffs' Complaint.

4. Defendant incorporates by reference its responses to paragraphs 1, 4, 5, 6, 7, 8, 9, 10, 11, 12, 15, 16, 17, 18, and 19 of Count I of Plaintiffs' Complaint as if set forth fully herein.

Defendant also denies that Plaintiffs are entitled to any of the relief requested in the WHEREFORE clause of Count III of their Complaint, including sub-paragraphs A – K thereof.

#### COUNT IV

1. This paragraph of Plaintiffs' Complaint calls for a legal conclusion to which no response is required. To the extent that a response is deemed to be required, Defendant denies each and every allegation contained therein.

2. This paragraph of Plaintiffs' Complaint calls for a legal conclusion to which no response is required. To the extent that a response is deemed to be required, Defendant denies each and every allegation contained therein.

3. Defendant denies each and every allegation contained in this paragraph of Plaintiffs' Complaint.

4. Defendant incorporates by reference its responses to paragraphs 1, 4, 5, 6, 7, 8, 9, 10, 11, 12, 15, 16, 17, 18, and 19 of Count I of Plaintiffs' Complaint as if set forth fully herein.

Defendant also denies that Plaintiffs are entitled to any of the relief requested in the WHEREFORE clause of Count IV of their Complaint, including sub-paragraphs A – K thereof.

WHEREFORE, having fully responded to the allegations in Plaintiffs' Complaint, Defendant Concrete Strategies, LLC respectfully requests the Court to enter Judgment in its favor, and against Plaintiffs, for an award of costs in its favor, and for such other and further relief as the Court deems just and appropriate.

McCARTHY, LEONARD, KAEMMERER, L.C.

BY: /s/ Bryan M. Kaemmerer

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on this 31<sup>st</sup> day of July 2017, the foregoing was filed electronically with the Clerk of Court, therefore to be served electronically by operation of the Court's electronic filing system upon all parties entitled to notice.

/s/ Bryan M. Kaemmerer